

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,	)	13-CR-622-1
	)	
	)	
vs.	)	
	)	
	)	
JEREL JACKSON,	)	
	)	Philadelphia, PA
	)	December 19, 2018
Defendant.	)	10:14 a.m.

TRANSCRIPT OF SENTENCING HEARING  
BEFORE THE HONORABLE C. DARNELL JONES, II  
UNITED STATES DISTRICT JUDGE

APPEARANCES:

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1 (The following was heard in open court at 10:14  
2 a.m.)

5 Counsel, would you identify yourselves for the  
6 record, please?

7 MS. MORGAN: Good afternoon, Your Honor. Michelle  
8 Morgan for the United States and with me is Special Agent  
9 Glenn Booth from the FBI.

10 THE COURT: Good morning.

11 | SPECIAL AGENT BOOTH: Good morning.

12 MR. WILSON: Good morning, Your Honor. Mark Wilson  
13 from the Federal Defenders on behalf of Mr. Jackson.

14 THE COURT: Good morning. And good morning, Mr.  
15 Jackson.

16 THE DEFENDANT: Good morning, Your Honor.

19 THE DEFENDANT: Yes. I wanted to say that I'm not  
20 prepared for sentencing today due to the lack of communication  
21 I had with Mr. Wilson, getting in touch with him over the past  
22 month or so.

23 I mean, I don't know what we're arguing today or  
24 anything. I just need time to speak to him. I know he's been  
25 busy and everything else, but, I mean, that don't got nothing

Wilson - Argument

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1 to do with me. And I've been trying to get in touch with him.  
2 You know, I left messages for him to get in touch back with  
3 me, he hasn't. And I'm not just prepared to go forward today.

4 I've got other things that I wanted to discuss with  
5 him and, you know, witnesses and different things and I'm not  
6 prepared at all for anything.

7 THE COURT: Mr. Wilson?

8 MR. WILSON: Yes, Your Honor. Your Honor, I do take  
9 responsibility for the lack of communication the past month  
10 and I apologize to the Court. I apologized to Mr. Jackson  
11 last night.

12 I did meet with him for a while last night and, you  
13 know, we went over a lot of stuff. I understand his concern  
14 and the matters that we discussed last night that need further  
15 attention.

16 Unfortunately, when Ms. Sarner left our office  
17 recently I got four new cases, two of which are very complex  
18 and I have trial dates in the next month. And it's not that I  
19 haven't been working. I just haven't been able to give  
20 attention to Mr. Jackson and I apologize for that.

21 THE COURT: Counsel, the concern that the Court has  
22 is I'm hearing this now, today, when the courtroom is full of  
23 people who I'm sure sacrificed their time to come down here  
24 today.

25 And I, frankly, spent an enormous amount of time

1 preparing for this and had I known I would have done other  
2 things for other defendant litigants as well.

3 MR. WILSON: And I apologize, Your Honor. Until  
4 last night I had intended to proceed today. After I spoke to  
5 Mr. Jackson last night I did speak to his mother and let her  
6 know that he was interested in moving this matter to a later  
7 date so that we could have more time to prepare and I do  
8 apologize.

9 Your Honor, there is one other related issue with  
10 respect to this that it would appear from looking at --  
11 perusal of the prior transcripts I guess there were two  
12 sentencing hearings previously, that it would appear that the  
13 presentence investigation report needs to be updated from the  
14 one that I have from 2015. And that's another reason I would  
15 ask that we have an updated report before we proceed further.

16 THE COURT: When you say updated, updated in what  
17 respect?

18 MR. WILSON: With respect to things that were raised  
19 by Mr. -- I wasn't at the last sentencing hearing, but things  
20 that were raised by Mr. Weaver that Your Honor addressed at  
21 the last hearing that I think should be reflected in the  
22 presentence investigation report.

23 There is the issue of his GED that he apparently --  
24 Mr. Weaver was able to present a copy of the GED record that  
25 he received from St. Gabes. There was -- there's other

Wilson - Argument

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1 information that I think needs to be included in the report  
2 and I --

3 THE COURT: Are you saying that it wasn't brought to  
4 my attention or it wasn't in the presentence investigation  
5 report?

6 MR. WILSON: It was -- it was brought to your  
7 attention, it wasn't in the presentence report and it wasn't  
8 in any --

9 THE COURT: Well, if it was brought to my attention  
10 I heard it.

11 MR. WILSON: Right, right.

12 THE COURT: It was in open court and on the record.

13 MR. WILSON: But the report needs to be updated,  
14 Your Honor, for purposes of his prison conditions. They --  
15 they rely heavily on that report to make determinations.

16 THE COURT: I am aware that that is something that  
17 the Court is obliged to take into consideration given the  
18 length of time. Nevertheless, I'm not inclined to tell Ms.  
19 Maxwell, who has diligently prepared this, thoroughly so at  
20 the last occasion, to go back and start all over again.

21 MR. WILSON: Oh, I'm not --

22 THE COURT: If there's something specific --

23 MR. WILSON: I'm not suggesting that it needs --

24 THE COURT: -- that you want the Court to know about  
25 you can either direct the Court's attention to it by providing

1 it yourself or, in the alternative, providing it to Ms.

2 Maxwell, but it won't be going back and doing wholesale --

3 MR. WILSON: And that's not what I'm asking for,  
4 Your Honor, but I would need time to address the matters that  
5 do need to be changed in the report after speaking to my  
6 client last night.

7 THE COURT: Let me hear from the Government, please.

8 MS. MORGAN: Your Honor, I'm not sure what specific  
9 matters Mr. Wilson is referring to.

10 The only interest the Government has in the revision  
11 of the report is specifically in regard to what the Third  
12 Circuit held regarding the calculations of the Guidelines and  
13 the ultimate Guideline range, so we would ask that the report  
14 be revised in that regard.

15 To the extent that any objections were raised as to  
16 the facts set forth in the report that were sustained by the  
17 Court I think it would be appropriate to modify those  
18 individual facts, but beyond that I agree with the Court that  
19 there's no need to start this process all over again.

20 MR. WILSON: And, Your Honor, that is not what I'm  
21 asking or suggesting. I just would --

22 THE COURT: Mr. Wilson, this is what I'm going to  
23 do, two things.

24 One, because I am obliged to do so based upon what  
25 the defendant has represented the Court, I will continue this

1 matter. However, I'm going to direct you to write in detail  
2 as a proffer exactly what it is that you want to present to  
3 the Court, one.

4 And, two, what you want Ms. Maxwell, through the  
5 Probation Department, to present to the Court in any way  
6 modifying the prior presentence investigation report.

7 Once you serve that on the Government and on the  
8 Court then we will jointly decide what can be included and  
9 what cannot be included because, again, I have a mandate from  
10 the Third Circuit by reason of one number off on the Guideline  
11 score.

12 But I also am aware that taking it all into  
13 consideration, the 3553 factors, that if, for example,  
14 something else would weigh in that would affect those -- the  
15 Guidelines by reason of the sentencing range I'm obliged to  
16 take that into consideration. I understand that, but no  
17 wholesale --

18 MR. WILSON: And, Your Honor, I do sincerely  
19 apologize. I don't -- as a general matter I don't like having  
20 to do this and I think I've done it very rarely in my career.

21 But I -- but I -- Mr. Jackson and I had a long  
22 conversation last night. He wasn't -- he was, understandably,  
23 upset and we hashed that out, but I think he's right that we  
24 do require additional time.

25 THE COURT: All right. I'm going to give you a date

1 certain by which to serve upon counsel for the Government the  
2 specificity that you wish to present relative to the  
3 presentence investigation report. There's no need at this  
4 juncture to serve it upon the Probation Department because  
5 both the Government and I will have to review it first and the  
6 three of us will come to a decision as to what's admissible  
7 and what's not.

8 MR. WILSON: Your Honor, may I request December --  
9 Friday, December 28th?

10 THE COURT: To submit?

11 MR. WILSON: To submit.

12 THE COURT: Sure. Does the Government wish an  
13 opportunity to respond in writing to this or not?

14 MS. MORGAN: I do, Your Honor. I'd like a week to  
15 respond.

16 THE COURT: All right. December 28th defense  
17 counsel is to submit the proffer and bear with me a moment,  
18 please.

19 (Pause in proceedings)

20 MS. MORGAN: The date is January 4th, Your Honor.

21 THE COURT: Okay.

22 (Pause in proceedings)

23 THE COURT: After you give me your submissions on  
24 the 4th of January I'll review them and then I'll set a date  
25 within a reasonably short time thereafter to reconvene for a

The Court - Decision

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1 status listing and the defendant will certainly be present for  
2 me to apprise all of you as to what I'm going to allow and  
3 what I won't allow.

4 Now, thereafter I'm going to set another sentencing  
5 date. Now, you said you had two trials that you are scheduled  
6 for, Mr. Wilson?

7 MR. WILSON: Fraud case, so it will take about a  
8 week and a half, scheduled for January 14th.

9 And then another fraud case, so it will take about a  
10 week and that's scheduled for January 28th.

11 I have with Your Honor a relatively brief trial  
12 scheduled December 13th that should be a two, three week time.

13 THE COURT: December 13th?

14 MS. MORGAN: That has passed.

15 MR. WILSON: I'm sorry, February 13th. I apologize.  
16 I was thinking of a two and I put a one.

17 (Pause in proceedings)

18 THE COURT: Well, right now I'm looking at  
19 Wednesday, February 20th for sentencing or Wednesday, February  
20 27th.

21 (Pause in proceedings)

22 MS. MORGAN: The Government is available on the  
23 20th, Your Honor. I have a 10:00 a.m. sentencing on the 27th  
24 and otherwise available.

25 THE COURT: All right.

1                   MR. WILSON: Actually, I have a 10:00 a.m.  
2 sentencing on the 27th with Ms. Morgan.

3                   And on the 20th at 2:00 p.m. I have a sentencing in  
4 front of Judge Brody following trial. It should be -- that's  
5 at 2:00 p.m.

6                   THE COURT: Can we do this on Wednesday, February  
7 20th at 10:00 a.m.?

8                   MS. MORGAN: Yes, Your Honor.

9                   MR. WILSON: I can do that, Your Honor.

10                  THE COURT: All right. Now, your task --

11                  MR. WILSON: Yes.

12                  THE COURT: -- must be disposed that date.

13                  MR. WILSON: Understood.

14                  THE COURT: Any questions?

15                  (Pause in proceedings)

16                  THE COURT: We're adjourned. Thank you very much.

17                  MR. WILSON: Thank you, Your Honor.

18                  MS. MORGAN: Thank you, Your Honor.

19                  (Proceedings concluded at 10:26 a.m.)

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## C E R T I F I C A T I O N

5 I, Joan Pace, court approved transcriber, certify  
6 that the foregoing is a correct transcript from the official  
7 electronic sound recording of the proceedings in the above-  
8 entitled matter.

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/s/Joan Pace

November 24, 2020

JOAN PACE

DIANA DOMAN TRANSCRIBING, LLC